

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	NO. 11-562
	:	
JAMES BLAKNEY	:	

ORDER

NOW, this 15th day of September, 2016, upon consideration of the Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Document No. 69) and the government's response, it is **ORDERED** that the motion is **DENIED**.

IT IS FURTHER ORDERED as follows:

1. The claim under *Johnson v. United States* is dismissed without prejudice and will be considered in ruling on his outstanding motion under 28 U.S.C. § 2255 (Document Nos. 85 and 86); and,
2. There is no probable cause to issue a certificate of appealability.

/s/Timothy J. Savage
TIMOTHY J. SAVAGE, J.